

## **ARTICLE XIII. ADULT ESTABLISHMENTS**

### **Section 13.01. Purpose and Intent**

Adult establishments, because of their nature, are recognized as having characteristics which may be objectionable to nearby residential districts and certain other uses considered to be sensitive - namely, churches, schools, colleges and universities, parks, libraries, day care centers, nursing homes, and hospitals. Studies have shown that properties tend to be devalued and crime rates tend to be increased by the concentration of adult establishments. The City Council determines that regulation of these uses is necessary to ensure that these adverse effects do not contribute to the blighting or downgrading of nearby residential districts and to protect the integrity of those sensitive uses listed above. The purpose of having regulations for adult establishments is to identify and appropriate locations in which adult entertainment or sexually-oriented businesses may be established within the City of Salisbury's zoning jurisdiction.

### **Section 13.02. Definitions**

#### **(1) Adult Establishment:**

Any structure or use of land that is defined in N. C. Statute 14-202.10 and/or including the following:

- (a) adult arcades
- (b) adult bookstores
- (c) adult cabarets/clubs (such as "topless" dancing)
- (d) adult live entertainment
- (e) adult live entertainment businesses
- (f) adult motels or hotels
- (g) adult motion picture theaters
- (h) adult mini-motion picture theaters
- (i) adult theaters
- (j) adult video stores
- (k) escort agencies
- (l) massage businesses
- (m) nude model studios
- (n) sexual encounter centers

#### **(2) Adult Arcade:**

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities or specified anatomical areas.

#### **(3) Adult Bookstore:**

A bookstore which :

- (a) receives a majority of its gross income during any calendar month from the sale of publications (including books, magazines, and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in G.S. 14-202; or
- (b) has as a preponderance of its publications books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matters

depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in G.S. 14-202.10.

**(4) Adult Cabaret/Club:**

A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:

- (a) persons who appear nude or semi-nude; or
- (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which depict specified sexual activities or specified anatomical areas.

**(5) Adult Live Entertainment:**

Any performance of or involving the actual presence of real people which exhibits specified sexual activities or specified anatomical areas.

**(6) Adult Live Entertainment Businesses:**

Any establishment or business wherein adult live entertainment is shown for observation by patrons.

**(7) Adult Motel or Hotel:**

A motel, hotel, or similar commercial establishment that:

- (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities or specified anatomical areas as one of its principal business purposes; or
- (b) offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

**(8) Adult Motion Picture Theater:**

An enclosed building or premises used for presenting motions pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. ("Adult motion picture theater" does not include any adult mini-motion picture theater as defined in this section.)

**(9) Adult Mini-Motion Picture Theater:**

An enclosed building with viewing booths designed to hold patrons which is used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**(10) Adult Theater:**

A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas or specified sexual activities.

**(11) Adult Video Store:**

A commercial establishment which as one of its principal business purposes offers for sale or rent for any form of consideration any one or more of the following:

- (a) video cassettes, video reproductions, photographs, films, motion pictures, slides, or other visual representations that depict or describe specified sexual activities or specified anatomical areas; or

(b) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

(12) **Escort Agency:**

A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration. An escort means a person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(13) **Massage Business:**

Any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, or massage parlors. In this context, “massage” means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping--by hand or mechanical device. [NOTE: Health massage and body work therapists shall not be deemed employees in a licensed “massage business” as defined here.]

(14) **Nude Model Studio:**

Any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. (Nude model studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one nude or semi-nude model is on the premises at any one time.)

(15) **Sexual Encounter Center:**

A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

In addition, other definitions from G.S. 14-202 shall be applicable.

**Section 13.03. Regulations**

(1) **Allowable Zoning District(s)**

An adult establishment use shall be a non-cumulative permitted use in the B-4 Highway Business District and the B-6 General Business District.

(2) **Spacing**

- (a) There shall be a spacing of 1,000 feet between adult establishment uses.
- (b) There shall be a spacing of 1,000 feet from an adult establishment use to any residential district.
- (c) There shall be a spacing of 1,000 feet from an adult establishment use to any sensitive uses listed in Part 1, Purpose and Intent.

[NOTE: All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed adult establishment use is to be located to the nearest point on the use in (a), (b) or (c) above.]

(3) **Area, Yard, and Height Requirements**

The area, yard and height requirements shall be the same as for other uses in the B-4 Highway Business District.

(4) **Parking Space Requirements**

The parking space requirements shall be as indicated for adult establishment uses listed in Article VIII.

(5) **Screening Requirements**

The screening requirements shall be the same as for other B-4 zoned properties which abut a residential district.

(6) **Landscaping Requirements**

The landscaping requirements pertaining to street trees, parking lot landscaping, and landscaping of ground signs shall be the same as for other retail uses.

(7) **Signage**

Signs allowed shall be in compliance with B-4 sign regulations. Any ground, wall, canopy, or projection sign shall contain only the name of the establishment. It shall not contain any advertising, nor identification of any product, service, etc.

(8) **Prohibition of Certain Materials Visible from Outside the Building**

No printed material, slide, video, photograph, written text, live show, or other visual presentation format shall be visible from outside the establishment.

(9) **Prohibition of Certain Sounds Discernible from Outside the Building**

No live or recorded voices, music, or sounds shall be heard from outside the establishment.

(10) **One Adult Establishment Use per Property or Building**

There shall not be more than one adult business use (either the same use or another use) located on the same property, building, or structure.

(11) **No Sleeping Quarters**

Except for an adult motel or hotel, no adult establishment use may have sleeping quarters.

(12) **Other Regulations**

Other applicable regulations contained in this Zoning Ordinance shall be in effect.